

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

RAYMOND MURPHY,

Plaintiff,

-against-

THE CITY OF NEW YORK, SERGEANT O'BRIEN,
shield number 2366, DET. SUSSIE PERALTA, shield
number 3331, DET. ANTHONY CARDINALE, shield
number 7144, DET. BEAUDOUIN, shield unknown, DET.
SANTIAGO, shield unknown, DET. DEPALO, shield
number unknown, POLICE OFFICER McSWEENEY,

Defendants.

X **STIPULATION AND
ORDER OF
SETTLEMENT AND
DISCONTINUANCE**

09 CV 563 (RD)(CLP)

WHEREAS, plaintiff Raymond Murphy commenced this action by filing a complaint on or about February 10, 2009 alleging that defendants violated his constitutional rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues asserted in this litigation, without further proceedings and without admitting any fault or liability;

WHEREAS, plaintiff has authorized his counsel to settle this matter on the terms set forth below;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed with prejudice with respect to Raymond Murphy, without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff, Raymond Murphy the total sum of THIRTY-FIVE THOUSAND DOLLARS (\$35,000.00) in full satisfaction of all claims, including claims for costs, expenses and attorney fees which Raymond Murphy brought in this lawsuit or could have brought in this lawsuit. In consideration for the payment of this sum, plaintiff agrees to dismissal of all of his claims against the City of New York and to release the individually named defendants Sergeant Sean O'Brien, , Det. Sussie Peralta, , Det. Anthony Cardinale, Det. Claudette Beaudouin, Det. Edwin Santiago, Det. Brian Depalo, Police Officer Brian McSweeney, and any present or former employees or agents of the City of New York, from any and all liability, claims, or rights of action that have or could have been alleged by plaintiff Raymond Murphy in this action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Plaintiffs shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a general release based on the terms of paragraph "2" above and an Affidavit Concerning Liens in the form annexed hereto.

4. Nothing contained herein shall be deemed to be an admission by the City of New York that it has in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.

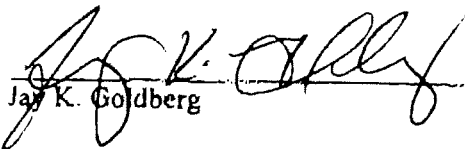
6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
November , 2010

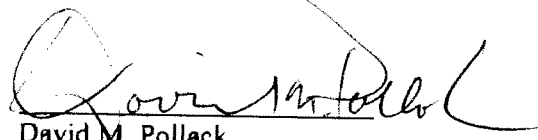
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By:


Jay K. Goldberg

By:


David M. Pollack
Assistant Corporation Counsel

SO ORDERED:

U.S.D.J.